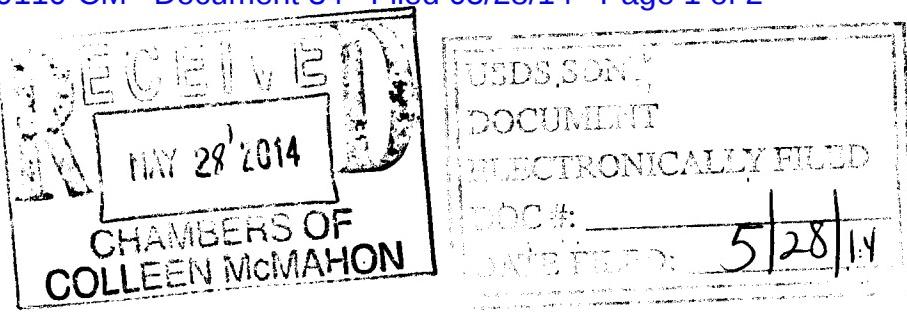




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MEMO ENDORSED

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May 28, 2014

VIA FACSIMILE (212) 805-6326

Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1640
New York, New York 10007

5/28/2014
You have 7 days
or request ext ✓

**Re: Ahad, et al. v. Esquared 6th Avenue, LLC, et al.
Civil Action No.: 13-cv-9110 (CM)**

Dear Judge McMahon:

We represent the Defendants in the above-referenced matter. We write to respectfully inform the Court that the Parties have been unable to reach a settlement in this matter. Over the past few months, Defendants' counsel invited Plaintiffs' counsel several times to review payroll, time, gratuity, sales, and banquet records for various workweeks during the relevant time period. These records showed that, despite the allegations in the Complaint, all gratuities collected by Plaintiffs' employer, Esquared 6th Avenue, LLC d/b/a Humphrey, were paid over to the Plaintiffs. Nonetheless, Plaintiffs maintain that certain unspecified gratuities were withheld by Defendants. They have also not provided a settlement demand to-date. As a result, the Parties have been unable to reach an informal resolution of this matter at this time.

Therefore, Defendants respectfully request seven calendar (7) days to respond to Plaintiffs' Counsel's letter dated March 20, 2014 outlining the alleged scope and relevant time period governing the proposed FLSA Collective Action in this matter.

Thank you for Your Honor's time and consideration of this request.

Respectfully submitted,

FOX ROTHSCHILD LLP

James M. Lemonedes MM

James M. Lemonedes

A Pennsylvania Limited Liability Partnership

California

Colorado

Connecticut

Delaware

District of Columbia

Florida

Nevada

New Jersey

New York

Pennsylvania



Fox Rothschild LLP
ATTORNEYS AT LAW

Honorable Colleen McMahon, U.S.D.J.
U.S. District Court, Southern District of New York
May 28, 2014
Page 2

cc: Robert Wisniewski, Esq. (via regular U.S. mail and email – office@rwapc.com)
Carolyn D. Richmond, Esq. (Fox Rothschild – NYC)
Alexander W. Leonard, Esq. (Fox Rothschild – NYC)